

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by  
5 changing Section 3-702 as follows:

6 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

7 Sec. 3-702. (a) A person who believes that this Act or a  
8 rule promulgated under this Act may have been violated may  
9 request an investigation. The request may be submitted to the  
10 Department in writing, by telephone, by electronic means, or  
11 by personal visit. An oral complaint shall be reduced to  
12 writing by the Department. The Department shall make  
13 available, through its website and upon request, information  
14 regarding the oral and phone intake processes and the list of  
15 questions that will be asked of the complainant. The  
16 Department shall request information identifying the  
17 complainant, including the name, address, and telephone  
18 number, to help enable appropriate follow-up. The Department  
19 shall act on such complaints via on-site visits or other  
20 methods deemed appropriate to handle the complaints with or  
21 without such identifying information, as otherwise provided  
22 under this Section. The complainant shall be informed that  
23 compliance with such request is not required to satisfy the

1 procedures for filing a complaint under this Act. The  
2 Department must notify complainants that complaints with less  
3 information provided are far more difficult to respond to and  
4 investigate.

5 (b) The substance of the complaint shall be provided in  
6 writing to the licensee, owner, or administrator no earlier  
7 than at the commencement of an on-site inspection of the  
8 facility which takes place pursuant to the complaint.

9 (c) The Department shall not disclose the name of the  
10 complainant unless the complainant consents in writing to the  
11 disclosure or the investigation results in a judicial  
12 proceeding, or unless disclosure is essential to the  
13 investigation. The complainant shall be given the opportunity  
14 to withdraw the complaint before disclosure. Upon the request  
15 of the complainant, the Department may permit the complainant  
16 or a representative of the complainant to accompany the person  
17 making the on-site inspection of the facility.

18 (d) Upon receipt of a complaint, the Department shall  
19 determine whether this Act or a rule promulgated under this  
20 Act has been or is being violated. The Department shall  
21 investigate all complaints alleging abuse or neglect within 7  
22 days after the receipt of the complaint except that complaints  
23 of abuse or neglect which indicate that a resident's life or  
24 safety is in imminent danger shall be investigated within 24  
25 hours after receipt of the complaint. All other complaints  
26 shall be investigated within 30 days after the receipt of the

1 complaint, except that, during a statewide public health  
2 emergency, as defined in the Illinois Emergency Management  
3 Agency Act, all other complaints shall be investigated within  
4 appropriate time frames to the extent feasible. The Department  
5 employees investigating a complaint shall conduct a brief,  
6 informal exit conference with the facility to alert its  
7 administration of any suspected serious deficiency that poses  
8 a direct threat to the health, safety, or welfare of a resident  
9 to enable an immediate correction for the alleviation or  
10 elimination of such threat. Such information and findings  
11 discussed in the brief exit conference shall become a part of  
12 the investigating record but shall not in any way constitute  
13 an official or final notice of violation as provided under  
14 Section 3-301. All complaints shall be classified as "an  
15 invalid report", "a valid report", or "an undetermined  
16 report". For any complaint classified as "a valid report", the  
17 Department must determine within 30 working days after any  
18 Department employee enters a facility to begin an on-site  
19 inspection if any rule or provision of this Act has been or is  
20 being violated.

21 (d-1) The Department shall, whenever possible, combine an  
22 on-site investigation of a complaint in a facility with other  
23 inspections in order to avoid duplication of inspections.

24 (e) In all cases, the Department shall inform the  
25 complainant of its findings within 10 days of its  
26 determination unless otherwise indicated by the complainant,

1 and the complainant may direct the Department to send a copy of  
2 such findings to another person. The Department's findings may  
3 include comments or documentation provided by either the  
4 complainant or the licensee pertaining to the complaint. The  
5 Department shall also notify the facility of such findings  
6 within 10 days of the determination, but the name of the  
7 complainant or residents shall not be disclosed in this notice  
8 to the facility. The notice of such findings shall include a  
9 copy of the written determination; the correction order, if  
10 any; the warning notice, if any; the inspection report; or the  
11 State licensure form on which the violation is listed.

12 (f) A written determination, correction order, or warning  
13 notice concerning a complaint, together with the facility's  
14 response, shall be available for public inspection, but the  
15 name of the complainant or resident shall not be disclosed  
16 without his consent.

17 (g) A complainant who is dissatisfied with the  
18 determination or investigation by the Department may request a  
19 hearing under Section 3-703. The facility shall be given  
20 notice of any such hearing and may participate in the hearing  
21 as a party. If a facility requests a hearing under Section  
22 3-703 which concerns a matter covered by a complaint, the  
23 complainant shall be given notice and may participate in the  
24 hearing as a party. A request for a hearing by either a  
25 complainant or a facility shall be submitted in writing to the  
26 Department within 30 days after the mailing of the

1 Department's findings as described in subsection (e) of this  
2 Section. Upon receipt of the request the Department shall  
3 conduct a hearing as provided under Section 3-703.

4 (g-5) The Department shall conduct an annual review of all  
5 survey activity from the preceding fiscal year and make a  
6 report concerning the complaint and survey process. The report  
7 shall include, but not be limited to:

8 (1) the total number of complaints received;

9 (2) the breakdown of 24-hour, 7-day, and 30-day  
10 complaints;

11 (3) the breakdown of anonymous and non-anonymous  
12 complaints;

13 (4) the number of complaints that were substantiated  
14 versus unsubstantiated;

15 (5) the total number of substantiated complaints that  
16 were completed in the time frame determined under  
17 subsection (d);

18 (6) the total number of informal dispute resolutions  
19 requested;

20 (7) the total number of informal dispute resolution  
21 requests approved;

22 (8) the total number of informal dispute resolutions  
23 that were overturned or reduced in severity;

24 (9) the total number of authorized nursing home  
25 surveyor positions within the Department;

26 (10) ~~(9)~~ the total number of filled nursing home

1 surveyor positions ~~nurse surveyors hired during the~~  
2 ~~calendar year;~~

3 (11) ~~(10)~~ the total number of vacant nursing home  
4 surveyor positions ~~nurse surveyors who left Department~~  
5 ~~employment;~~

6 (12) ~~(11)~~ the average length of tenure for nursing  
7 home ~~nurse~~ surveyors employed by the Department at the  
8 time the report is created;

9 (13) any additional information the Department deems  
10 relevant regarding nursing home surveyor recruitment,  
11 retention, or workload;

12 (14) ~~(12)~~ the total number of times the Department  
13 imposed discretionary denial of payment within 15 days of  
14 notice and within 2 days of notice as well as the number of  
15 times the discretionary denial of payment took effect; and

16 (15) ~~(13)~~ any other complaint information requested by  
17 the Long-Term Care Facility Advisory Board created under  
18 Section 2-204 of this Act or the Illinois Long-Term Care  
19 Council created under Section 4.04a of the Illinois Act on  
20 the Aging.

21 This report shall be provided to the Long-Term Care  
22 Facility Advisory Board, the Illinois Long-Term Care Council,  
23 and the General Assembly. The Long-Term Care Facility Advisory  
24 Board and the Illinois Long-Term Care Council shall review the  
25 report and suggest any changes deemed necessary to the  
26 Department for review and action, including how to investigate

1 and substantiate anonymous complaints.

2 (h) Any person who knowingly transmits a false report to  
3 the Department commits the offense of disorderly conduct under  
4 subsection (a)(8) of Section 26-1 of the Criminal Code of  
5 2012.

6 (Source: P.A. 102-432, eff. 8-20-21; 102-947, eff. 1-1-23;  
7 103-1, eff. 4-27-23; 103-154, eff. 6-30-23.)